

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SIMPLEAIR, INC.,

Plaintiff,

v.

AWS CONVERGENCE TECHNOLOGIES,  
INC., ET AL.,

Defendants.

Civil Action No. 2:09-cv-289 (CE)

JURY DEMANDED

**JOINT CLAIM CONSTRUCTION CHART**

Pursuant to Local Patent Rule 4-5(d), the parties – through counsel for Defendant Apple – submitted a joint claim construction chart on June 7, 2011. Attached is a copy of that chart.

Dated: June 8, 2011

Respectfully submitted,

By: /s/ Jeff Eichmann

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**Certificate of Service**

The undersigned certifies that the foregoing document was filed electronically in compliance with Local Rule CV-5(a). As such, this document was served on all counsel who are deemed to have consented to electronic service. Local Rule CV-5(a)(3)(A). Pursuant to Fed. R. Civ. P. 5(d) and Local Rule CV-5(d) and (e), all other counsel of record not deemed to have consented to electronic service were served with a true and correct copy of the foregoing by email, on this 8<sup>th</sup> day of June, 2011.

/s/ Jeff Eichmann

John Jeffrey Eichmann

**P.R. 4-5(d) Joint Claim Construction Chart<sup>1</sup>****U.S. Patent No. 6,021,433**

'433 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
1. A method for transmitting data to <b>selected remote computing devices</b> , comprising the steps of:	selected remote computing devices (see also '914, claim 1)	AGREED	AGREED	selected remote computing devices  [This term does not itself require construction. However, the parties have stipulated that the references throughout the claim to "said computing devices" refers to the "selected remote computing devices"].
transmitting data from <b>an information source</b> to a <b>central broadcast server</b> ;	an information source (see also '914 claim 1)	one or more content or service providers that provide data to the central broadcast server, such as an online source of news, weather, sports, financial information, games, personal messages, or e-mails	a source of information to be transmitted to the central broadcast server	

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<sup>1</sup> Terms proposed for construction are shown in bold. Each disputed term is listed with its proposed constructions at the first occurrence of the term.

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

'433 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	a central broadcast server  (see also '914 claim 1)	one or more servers that are configured to receive data from a plurality of information sources and process the data prior to its transmission to a plurality of selected remote computing devices (where such transmission is not in direct response to a specific request from the user(s) of the remote computer devices)	a central server that transmits to all receiving devices on its network	
	[a] server  (see also '914 claim 1)	a server:  one or more pieces of computer equipment and the software running on the equipment used to provide services for one or more other computers or computing devices	server:  computer system that serves other devices in a network	
preprocessing said data at said <b>central broadcast server</b> , further comprising the step of:				

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

'433 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
providing data to <b>servers</b> in said <b>central broadcast server</b> ;				
<b>parsing said data with parsers</b> corresponding to said <b>servers</b> ;	parsing said data with parsers  (see also '914 claim 1)	using computer software to break or divide data received from an information source into components whose content or format can be analyzed, processed, or acted upon	categorizing said data with parsers for transmission to the information gateway based on the type of content	
	parsers  (see also '914 claim 1)	[embedded in above proposal]	computer software that categorizes	
transmitting said data to a <b>content manager for determining how said data is handled</b> ;	a content manager for determining how said data is handled	one or more software programs (or a portion of a program) that can determine how different types of information received from an information source are handled or processed	a component that manages content, at least by determining the priority assigned to data	
transmitting said data from said content manager to				

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

'433 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
an information gateway for building data blocks and assigning addresses to said data block; and				
transmitting said data blocks from said information gateway to a <b>transmission gateway for preparing said data block for transmission to receivers;</b>	a transmission gateway for preparing said data block for transmission to receivers  (see also '914 claim 1)	one or more software programs (or a portion of a program) that can prepare the data blocks for their transmission to receivers and interface with other resources used to transmit the preprocessed data	a transmission gateway for encoding said data blocks in accordance with transmission protocols necessary for transmission to receivers	
<b>transmitting preprocessed data to receivers</b> communicating with <b>said computing devices;</b> and	transmitting preprocessed data to receivers  (see also '914 claim 1)	transmitting data that has been preprocessed by the central broadcast server to receivers not in direct response to a specific request from the user of the remote computing device for the preprocessed data	transmitting preprocessed data to receivers	
instantaneously notifying said	whether said computing devices are on or off	whether the computing devices are or are not	whether said computing devices are on or off	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

'433 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
computing devices of receipt of said preprocessed data <b>whether said computing devices are on or off.</b>		actively connected to the Internet or another online service at the time the preprocessed data is received by the receivers		
	on or off	online or offline	on or off	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

**U.S. Patent No. 7,035,914**

'914 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
1. A method for transmitting data to <b>selected remote devices</b> , comprising the steps of:	selected remote devices	AGREED	AGREED	selected remote computing devices  [This term does not itself require construction. However, the parties have stipulated that the references throughout the claim to "said computing devices", "said devices", or "each device" refers to the "selected remote computing devices"].
transmitting data from <b>an information source</b> to a <b>central broadcast server</b> ;	an information source  (see also '433 claim 1)	one or more content or service providers that provide data to the central broadcast server, such as an online source of news, weather, sports, financial information, games, personal messages, or e-mails	a source of information to be transmitted to the central broadcast server	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

'914 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	a central broadcast server  (see also '433 claim 1)	one or more servers that are configured to receive data from a plurality of information sources and process the data prior to its transmission to a plurality of selected remote computing devices (where such transmission is not in direct response to a specific request from the user(s) of the remote computing devices)	a central server that transmits to all receiving devices on its network	
	[a] server  (see also '433 claim 1)	a server:  one or more pieces of computer equipment and the software running on the equipment used to provide services for one or more other computers or computing devices	server:  computer system that serves other devices in a network	
preprocessing said data at said <b>central broadcast server</b> , further comprising the step of:				



*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

'914 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<b>parsing said data with parsers</b> corresponding to said <b>central broadcast server</b> ;	parsing said data with parsers  (see also '433 claim 1)	using computer software to break or divide data received from an information source into components whose content or format can be analyzed, processed, or acted upon	categorizing said data with parsers for transmission to the information gateway based on the type of content	
	parsers  (see also '433 claim 1)	[embedded in above proposal]	computer software that categorizes	
transmitting said data to an information gateway for building data blocks and assigning addresses to said data blocks;				
transmitting said data blocks from said information gateway to a <b>transmission gateway for preparing said data block for transmission to receivers</b> ;	a transmission gateway for preparing said data block for transmission to receivers  (see also '433 claim 1)	one or more software programs (or a portion of a program) that can prepare the data blocks for their transmission to receivers and interface with other resources used to transmit the preprocessed data	a transmission gateway for encoding said data blocks in accordance with transmission protocols necessary for transmission to receivers	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

'914 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
<b>transmitting preprocessed data to receivers</b> communicating with <b>said devices</b> ; and	transmitting preprocessed data to receivers (see also '433 claim 1)	transmitting data that has been preprocessed by the central broadcast server to receivers not in direct response to a specific request from the user of the remote computing device for the preprocessed data	transmitting preprocessed data to receivers	
instantaneously notifying said devices of receipt of said preprocessed data <b>whether said computing devices are online or offline from a data channel associated with each device.</b>	whether said computing devices are online or offline from a data channel associated with each device	whether the remote computing devices are or are not actively connected via the Internet or another online service to a data channel associated with each computing device at the time the preprocessed data is received by the receivers.  A device is not online to an associated data channel merely because it is able to receive data transmissions from the central broadcast server.	whether said devices are online or offline from a network connection associated with each device	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

'914 Claim Element	Disputed Terms or Phrases	Plaintiff's Proposed Construction	Defendants' Proposed Construction	Court's Construction
	a data channel	<p><u>Proposal 1:</u> one or more communication channels or paths for accessing or viewing a category or subcategory of information that is provided by an information source over a communications network</p> <p><u>Proposal 2:</u> one or more communication channels or paths for transmitting data over a communications network</p>	a network connection	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

**U.S. Patent No. 6,167,426**

<b><u>'426 Claim Element</u></b>	<b>Disputed Terms or Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
<b>1. A method for connecting users to a first communication network, comprising:</b>	A method for connecting users to a first communication network  (see also '614 claim 1)	[no construction of entire preamble needed; construction of "a first communication network" below]	a method for a connected user to invite an unconnected user to meet on the first communication network	
	user  (see also '614 claim 1)	[no construction needed]	a natural person	
providing an address service connected to the <b>first communication network</b> on which a <b>user</b> may register a name and an associated address on a <b>second communication network</b> ;	first communication network  (see also '614 claim 1)	a first communication network:  one or more communication networks that can be used to conduct an interactive activity, such as the Internet or a network that is accessed over the Internet	network that is used for conducting an interactive activity	
	[a] second communication network  (see also '614 claim 1)	a second communication network:  one or more communication networks other than the	network for receiving messages identifying an interactive activity that is independent from the first communication network	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

<u>'426 Claim Element</u>	<b>Disputed Terms or Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
		first communication network		
	communication network (see also '614 claim 1)	a collection or group of two or more interconnected communication resources used to transfer or exchange information	Proposal 1: [no construction needed]  Proposal 2: a collection or group of two or more interconnected communication systems used to transfer or exchange information	
using the <b>first communication network</b> to access the address service;				
<b>designating a name registered on the address service;</b>	designating a name registered on the address service  (see also '614 claim 1)	specifying or selecting a name registered on the address service	selecting or entering on the address service a registered name	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

<u>'426 Claim Element</u>	<b>Disputed Terms or Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
in response to the designation of said registered name, automatically <b>broadcasting</b> a message over the <b>second communication network</b> to the registered address associated with the selected name, said message identifying an <b>interactive activity</b> to be conducted over the <b>first communication network</b> ;	broadcasting  (see also '614 claim 1)	transmitting or sending	transmitting to all receiving devices on the second communication network	
	interactive activity  (see also '614 claim 1)	activity involving the interaction of a user with another user, a service, or a service provider	an activity in which users meet and participate together over the first communication network	
using a <b>receiving device</b> not connected to the <b>first communication network</b> to receive said message;	receiving device  (see also '614 claim 1)	Proposal 1: [no construction needed]  Proposal 2: component or machine than can receive messages over the second communication network	a device for receiving messages over the second communication network and not for conducting interactive activities	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

<u>'426 Claim Element</u>	<b>Disputed Terms or Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
in response to the reception of said message by said <b>receiving device</b> , automatically generating a <b>user</b> prompt to commence the identified <b>interactive activity</b> ; and				
in response to a positive acknowledgment of said <b>user</b> prompt, automatically connecting an <b>interactive device</b> to the <b>first communication network</b> and commencing the identified <b>interactive activity</b> .	interactive device	<p>Proposal 1: [no construction needed]</p> <p>Proposal 2: component or machine than can access the first communication network and be used to carry out an interactive activity</p>	a device for conducting interactive activities over the first communication network and not for receiving the message over the second communication network	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

**U.S. Patent No. 6,735,614**

<b><u>'614 Claim Element</u></b>	<b>Disputed Terms or Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
<b>1. A method for connecting users to a first communication network, comprising:</b>	A method for connecting users to a first communication network  (see also '426 claim 1)	[no construction of entire preamble needed; construction of "a first communication network" below]	a method for a connected user to invite an unconnected user to meet on the first communication network	
	user  (see also '426 claim 1)	[no construction needed]	a natural person	
providing an address service connected to the <b>first communication network</b> on which a <b>user</b> may register a name and an associated address on a <b>second communication network</b> ;	first communication network  (see also '426 claim 1)	a first communication network:  one or more communication networks that can be used to conduct an interactive activity, such as the Internet or a network that is accessed over the Internet	network that is used for conducting an interactive activity	
	[a] second communication network  (see also '426 claim 1)	a second communication network:  one or more	network for receiving messages identifying an interactive activity that is independent from the	



*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

<u>'614 Claim Element</u>	<b>Disputed Terms or Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
		communication networks other than the first communication network	first communication network	
	communication network (see also '426 claim 1)	a collection or group of two or more interconnected communication resources used to transfer or exchange information	Proposal 1: [no construction needed]  Proposal 2: a collection or group of two or more interconnected communication systems used to transfer or exchange information	
using the <b>first communication network</b> to access the address service;				
<b>designating a name registered on the address service;</b>	designating a name registered on the address service  (see also '426 claim 1)	specifying or selecting a name registered on the address service	selecting or entering on the address service a registered name	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

<u>'614 Claim Element</u>	<b>Disputed Terms or Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
in response to the designation of said registered name, <b>broadcasting</b> a message over the <b>second communication network</b> to the registered address associated with the selected name, said message identifying an <b>interactive activity</b> to be conducted over the <b>first communication network</b> ;	broadcasting  (see also '426 claim 1)	transmitting or sending	transmitting to all receiving devices on the second communication network	
	interactive activity  (see also '426 claim 1)	activity involving the interaction of a user with another user, a service, or a service provider	an activity in which users meet and participate together over the first communication network	
using a <b>receiving device</b> not connected to the <b>first communication network</b> to receive said message; and	receiving device  (see also '426 claim 1)	Proposal 1: [no construction needed]  Proposal 2: component or machine than can receive messages over the second communication network	a device for receiving messages over the second communication network and not for conducting interactive activities	

*SimpleAir, Inc. v. AWS Convergence Technologies, Inc. et. al.*

<u>'614 Claim Element</u>	<b>Disputed Terms or Phrases</b>	<b>Plaintiff's Proposed Construction</b>	<b>Defendants' Proposed Construction</b>	<b>Court's Construction</b>
in response to the reception of said message by said <b>receiving device</b> , automatically generating a <b>user</b> prompt to alert said <b>user</b> of said message.				